

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 1-10 are pending in the application.

Claim Rejections - 35 U.S.C. 103

Claims 1-3 have been rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent (DE3531728) in view of Nishio (6387028).

Applicant respectfully traverses the Examiner's rejections. No amendments have been made to the claims.

As noted by the Examiner, the German patent discloses a single file of elements 5 in a transportation direction along conveyor 18. However, these elements 5 are not yet tubular elements but flattened elements that must be formed into tubular elements by the formers 19, which then feed the formed tubular elements in a radial feed direction onto the wheel 21. Clearly, the German Patent fails to disclose or suggest 1) a second feed station supplying a single file of tubular elements (the single file in this reference is flattened elements, not tubular elements), 2) said wheel being rotatable around an axis which is perpendicular to . . . a transportation direction of the tubular elements (no transportation direction of tubular elements, even if flattened elements are considered, the axis is parallel to the transportation direction), and 3) said feeding direction being parallel to the transportation direction (the feeding direction is radially toward the wheel 21 and in no sense is parallel to the transportation direction of even the flattened elements along conveyor 18.)

Contrary to the Examiner's comments, Nishio does not cure the deficiencies of the German patent. First, the Nishio apparatus fails to disclose or suggest "a second feed station supplying a single file of tubular elements generated from the strip along a respective feeding direction". The feeder 33 alone feeds a single tubular element to the wheel 32 at any given time. As defined in Merriam Webster's Online Dictionary, a single

file is a row of persons, animals, or things arranged one behind the other. Nishio does not disclose or suggest feeding a single file of tubular elements at a given time along the feeding direction (or a row of tubular elements arranged one behind the other). Nishio can only feed a single tubular element along the feeding direction, it cannot feed a single file of tubular elements along the feeding direction. While Nishio does superficially disclose a horizontally aligned stack to the right of the radially oriented feed direction arrow in Fig. 1, such stack is not a stack of tubular elements. Rather, as with the German patent, it is a stack of flattened elements that must be formed before being tubular elements. They are formed into tubular elements as they are pulled in an arc by the unnumbered arms (pivoting at the base of the feeder 33) from the horizontal direction to the inclined radial feed direction. Again, Nishio fails to disclose or suggest supplying a single file of tubular elements generated from the strip along a respective feeding direction. **The Examiner acknowledges this when he says** (page 6) that "the feeder is supplying one file at a time to the wheel", which is in the feed direction. Such is not a single file of tubular elements..

Further, the Examiner is incorrect in stating that Nishio's "feeding direction and the transport direction of the tubular elements are parallel to each other" and "the tubular elements are transported in the proximity of the wheel along a transportation direction parallel to the feeding direction. First, the feeding direction is an inclined direction radially toward the wheel. There is no single file of tubular elements, only a single tubular element. To the extent Nishio discloses a transportation direction, it is of flattened elements and not tubular elements and even if one were to argue that the flattened elements were tubular elements, with which Applicant disagrees, the transportation direction of such elements is horizontal in Fig. 1 (as discussed above), which horizontal direction is clearly not parallel to the inclined radial feeding direction of the single tubular element.

Nothing in either of these references would lead a person of ordinary skill in the art to construct the claimed invention, and especially the requirement that the feeding direction be parallel to the transportation direction.

For all of these reasons, the German patent is deficient in rendering obvious the invention of claim 1 and Nishio fails to teach or suggest anything that would cure such deficiencies. Therefore, it is respectfully requested that the rejection of claim 1, and all claims depending therefrom, be withdrawn. Since the remaining claims all depend from claim 1, they are believed allowable for the same reasons as claim 1 discussed above, as well as for the further limitations contained therein.

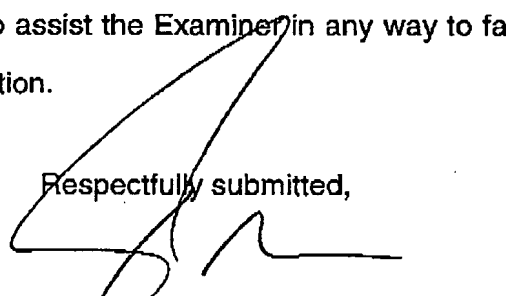
The undersigned would like to encourage the Examiner to contact the undersigned by telephone if such contact would aid the progress of this case to allowance.

Conclusion

All matters having been addressed above and in view of the pending claims and remarks, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Applicants' counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

Respectfully submitted,



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